PATENT

REMARKS

Claims 1-34 are pending in the present application. In the above amendments, Applicants traverse all rejections; amend claims 1, 20, 22-24, and 26; and adds new claim 35.

In the Office Action mailed October 28, 2004, Examiner rejected claims 1, 2, 6, 10, 20, and 26 under 35 U.S.C. §102(e) as being anticipated by Lundby et al. (U.S. Patent No. 6,249,683), hereinafter referred to as Lundby. Examiner also rejected claim 24 under 35 U.S.C. §102(e) as being anticipated by Moon et al. (U.S. Patent No. 6,671,266), hereinafter referred to as Moon.

Applicants respectfully respond to this Office Action.

Claim Rejections – 35 USC § 102

Claims 1, 2, 6, 10, 20, and 26 are rejected under 35 U.S.C. § 102(e) as being anticipated by Lundby. Claim 24 is rejected under 35 U.S.C. § 102(e) as being anticipated by Moon.

All of Applicants' claims are novel and patentable over Lundby. For example, Applicants' claim1 includes the feature "wherein the second indication is formed by aggregating a plurality of bits allocated for feedback for the second transmission." Lundby does not teach or recite this feature. Examiner states that Lundby, Fig. 1C, element 120A recites this feature but element 120A in Lundby is a data stream from base station 1 after demodulation at the mobile station. While power control generator 131 generates a series of forward link power control commands 140 b, there is no teaching of an indication formed by **aggregating a plurality of bits allocated for feedback** as recited in Applicants' claim 1. That is, the bits in data stream 120 A have not been allocated for feedback but are merely received bits. The aggregating a plurality of bits allocated for feedback is explained in Applicants' specification as originally filed as "the allocated bits for each power control sub-channel can be aggregated to form a more reliable, lower rate sub-stream" (see page 8, first paragraph of Applicants' specification). Because Lundby does not teach this **aggregating a plurality of bits allocated for feedback** feature which is in all of Applicants' claims, all of Applicants' claims are novel and patentable over Lundby.

Moon also does not teach or recite the aggregating feature discussed above, and therefore Applicants' claim 24 is novel and patentable over Moon.

Applicants amend claim 1, 20, 24, and 26 in order to highlight the above distinctions and to expedite prosecution. Specifically, Applicants amend all independent claims to include the features that that the "second indication is formed by aggregating a plurality of **power control bits** allocated for feedback for the second transmission, wherein the aggregating lowers the rate of the plurality of power control bits."

Allowable Subject Matter

Claims 3-5, 7-9, 11-19, 21-23, and 27-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As explained above, all of the base claims are patentable and therefore all of Applicants' claims should be allowed.

New Claims

Applicants add new claim 35 which has ample support in the specification as originally filed and therefore does not constitute new matter.

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REQUEST FOR ALLOWANCE

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In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: March 28, 2005   By: _____
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